IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22075 of 2004

Between:

1 Sahelibee, W/o Saheb,
R/o Plot No. 1460
2 Smt. Shamum, W/o Shaik Mohammed Ghouse,
R/o Plot No. 1459, (Both are R/o Siddiquinagar, Gachibowli Village,
Serlingampally Mandal, R.R. District).

..... PETITIONERS

AND

1 The Police Commissioner, Cyberabad, Ranga Reddy District.
2 The Inspector of Police, Madhapur Police Station,
Cyberabad, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of Writ of Mandamus to declare the inaction of the respondents without registering a crime and enquiring the matter basing on the complaint given by the petitioners on 23-11-2004 and 24-11-2004 against Badarunnisa and her 4 family members as illegal arbitrary and against the principles of natural justice.

Counsel for the Petitioner:MR.KILARUKHADER BABA

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The grievance of the petitioners is that though they submitted a complaint on 23.11.2004 to the second respondent alleging certain wrongful acts against some persons named therein, neither the case was registered nor any steps were taken. They seek appropriate directions in this regard.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

Registration of a case on the basis of a complaint depends upon the circumstances surrounding it. If a Station House Officer fails or refuses to register a crime, on receipt of a complaint, the complainant is not helpless. In such an event, he can approach the Magistrate concerned under Section 200 Cr.P.C. and the Magistrate, in turn, would initiate further action after recording sworn statement of the complainant. Any direction of a High Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, requiring a Station House Officer to register a crime would, in a way, amount to deviation from the procedure prescribed under Cr.P.C.

Hence, the writ petition is disposed of leaving it open to the petitioners to approach the learned Judicial Magistrate of I class, having jurisdiction over the area, with a complaint under Section 200 Cr.P.C. No order as to costs.

01.12.2004

ksld

To

1 The Police Commissioner, Cyberabad, Ranga Reddy District.
2 The Inspector of Police, Madhapur Police Station,
Cyberabad, Ranga Reddy District.

3 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

4 Two CD copies.